



**DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES**

**GOVERNOR'S ADVISORY COUNCIL (GAC)  
TO THE DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES**

**June 16, 2015**

The Governor's Advisory Council to the Division of Developmental Disabilities Services met on June 16, 2015, at the 1056 Woodbrook Conference Room in Dover.

**COUNCIL MEMBERS PRESENT:** Terri Hancharick, Chair  
Thomas Rust  
Timothy F. Brooks, Ed.D.  
Angie Sipple  
Jamie Doane

**COUNCIL MEMBERS ABSENT:** N/A

**STAFF MEMBERS PRESENT:** Jane Gallivan  
Marie Nonnenmacher  
Marissa Catalon  
Vicky Gordy - minutes

**GUESTS PRESENT:** Susan Pereira, Parent  
Susannah Eaton-Ryan, The ARC

**CALL TO ORDER:** The meeting was called to order at 11:05 a.m.

**NEXT MEETING:** July 21, 2015 - 11:00 a.m.

**APPROVAL OF MINUTES:** The May 19, 2015 minutes were approved with one correction.

**GAC Membership**

Reportedly, two applications requesting placement on the Council were submitted for the Governor's consideration. The term expired for one member approximately a year ago who continues to wait for re-appointment documentation. DDDS will inquire with the appropriate Governor's staff.

**Family Support Waiver**

DDDS has completed the draft CMS application for the Family Support Waiver that was submitted to DMS for review before sending to OMB. DDDS has struggled with fiscal aspects of the waiver and have been clear regarding the necessity of additional operational staff in the cover letter.

The Office of Controller General approached DMS inquiring about the possibility of submitting the Family Support Waiver application to CMS by July 1, 2015. This is not a possible, as the application must be presented during public hearings once finalized.

DDDS could move current funding to support the Family Support Waiver, although additional staff is necessary to operate. DDDS continues to have concerns surrounding receiving approval to move forward with the Family Support Waiver without the approval of addition staff to support the project that is estimated to serve an additional 900 individuals. An additional 900 people seeking services includes assisting with completing 900 applications that are evaluated for eligibility, rate settings, authorizations, planning for each person, and monitoring quality indicators to complete the annual quality indicator report, mandated by CMS. DDDS believes the program will fail without addition staff to support a family support waiver.

Reportedly, due to the design of the Family Support Waiver, it is expected to have a “shelf life” of several years, therefore once funding is available data may be refreshed to submit accordingly as the basic foundation has been laid.

DDDS is moving forward toward targeted case management and development of a planning process for families regardless of Family Support Waiver approval. DDDS believes that having a family process for families and a targeted case management system within an agency providing better oversight will make a positive difference.

### **Budget FY 16**

Everything that is in the Governor’s recommended FY16 budget that was not budgeted in FY15 is on the table for consideration due to a funding shortfall that is currently reported at \$112,000,000.

DDDS continues to seek clarification regarding the FY15 rate study report funding, where benchmark rates were revealed. In FY15 budget, legislature appropriated funding at the 75% benchmark level but \$300,000 of that amount was identified as a one-time payment to providers who experienced a loss due to the increase cost of DART tickets (decreased the rate increase to 73.8%). This was implemented on January 1, 2015. As told by legislative contact, DDDS prepared for rates to increase to full 75% of benchmark rate beginning July 1, 2015, although now is being told that maybe the \$300,000 was not intended to be a one-time payment. DDDS is working and awaiting the determination from legislature.

No salary increases are reported for state employees although minor changes were made to healthcare insurance plans.

The Council discussed how future fiscal opportunities for DDDS do not appear better than FY16 outlook. As of July 1, 2014, another 230 individuals were found eligible for DDDS services. All of eligible individual’s may not actively be seeking DDDS services at this time due to various reasons (still in school, may not want services at this time) but funding is being stretched to attempt to support. Currently, DDDS Regional Offices are reviewing many cases to attempt to find an alternate route to provide resources that may be available to the individual if eligible. Many families are apprehensive to change how services are funded, as they fear a disruption in services will occur. DDDS continues to seek additional resources because of growth and the continuation of shifting system thinking to better support families. DDDS continues to seek a better process for targeted case management, a meaningful planning process where families discuss options, and continue to provide family forums that give opportunities to form family connections and assist DDDS to identify informational needs of families to sponsor statewide forums.

DDDS submitted as directed justification for each of DDDS items in the FY16 Governor's Recommended Budget. DDDS was directed to make recommendations to adjust DDDS base budget. With much trepidation to include an impact statement as to why it would be challenging for DDDS, the normally requested 75 funding slots for residential placements was recommended to be reduced by five. Projections were higher than need, therefore a reduction of the annualization of special school graduate funding was recommended, which DDDS expects to be an acceptable recommendation.

### **Vacancies & Development Report**

The Governor's Advisory Council Vacancies and Development Report was reviewed. Currently there are 27 vacancies statewide; 14 in group/neighborhood homes (2 are ARC homes) and 13 in CLA's. Since FY15 began, 69 individuals were placed, 13 have chosen placement site and are in process of being placed within the next five weeks, 94 individuals (high-risk category) are shopping for placement in various stages of process, and 43 individuals were placed at emergency temporary living arrangements (ETLA). Individuals who are placed temporary due to an emergency may or may not seek DDDS services. Occasionally, a person that required an ETLA placement had received letter to "shop for services" but choice had not occurred before placement became an emergency. DDDS has continued concerns surrounding ETLA's and is reviewing data accordingly.

Individual's that have left Home and Community Based Waiver services (for various reasons) whose Waiver slot was vacated is backfilled at the beginning of the next fiscal year. In the past DDDS was not utilizing the backfilled slots, which currently gives DDDS some flexibility in placement opportunities.

### **CMS GAC Transition Plan Working Groups**

The **Day Services Work Group** reportedly went well especially considering the diverse group at the table. The chairperson (Susannah Eaton-Ryan), co-chairperson (Emmanuel Jenkins) and DDDS representative (Marissa Catalon) were praised for doing a good job not only during the meetings but also for all the work put fourth supporting the work group outside of the meetings. The biggest challenges were building the consensus process and being sure that everyone's voice was heard. This task was more work than anticipated. If given more time, the questions would have been driven down to include more detail. Everyone participated, completed homework, worked diligently even during differences of opinions, and contributed to creating the assessment.

During the first work group session, meeting guidelines were presented that included not presenting opinions about HCBW, but to stay focused on the goal and guests were encouraged to speak at the end of each meeting and were not a part of the debate during work group conversations. Bringing provider agencies into the work group to hear and speak about concerns was a good idea that also gave provider agencies a head start regarding the training process. Ultimately, the spirit of this project was to assist people to become more independent.

It appears that all types of provider agencies are concerned regarding meeting the expectations of the Community Rule. As an example, a provider agency that performs only community work expressed concern. Provider agencies have concerns surrounding providing service to population that they are accustomed to serving. Families have deep concerns regarding happenings if certain services are no longer an available option.

For obvious reasons the residential assessment is longer than the day assessment, although a council member has concerns over the length of the Draft **Residential Services Work Group** Assessment and requested that during DDDS review to merge like questions in an effort to shorten the assessment to be less problematic for provider agencies. Libby Cusack, chairperson and Bill Monaghan, co-chairperson were recognized for their hard work. Libby kept the group moving forward and organized the materials for use by the committee.

There were many questions where the answer “no” will result. As an example, “Do you give keys to all of your resident’s?” would be more suitable to ask if the provider agency has a policy that provides keys when appropriate. DDDS will address during review and during instruction development. Council members were asked to keep in mind that many CMS regulations were written for programs where restrictions were applied (i.e. assisted living). Another component to be added at completion is the landlord tenant relationship.

The Council spoke of a discussion that occurred during a Residential Services Work Group meeting that was had surrounding socializing in terms of dating. Questions regarding if overnight guests are permitted and if so how long is a guest permitted to visit before it becomes intrusive to others in the household.

Council member reported that some self-advocates felt animosity towards them by others in the work group and felt “shut down” if they attempted to speak. There appeared to be challenges with cohesiveness within the residential work group. The diversity of the work groups was specifically tailored to represent multiple perspectives. After challenges were worked through, the work group continued completing task considering all members comments.

Reportedly, the Residential Work Group had a good discussion surrounding individual self-assessments. The group was told that DDDS would like to create an individual self-assessment tool as it gives a full picture. The South Dakota report presented comparative pieces of the provider’s assessment, state’s assessment and individual’s assessment where results were close; anomalies would place focus where necessary. DDDS may utilize the NCI results in lieu of self-assessment as a number of questions have been identified to match with the community rule that could be pulled to develop a sub-set survey. Again, this is a staffing issue as developing the survey is not necessarily the challenge, who administers the survey is. DDDS does intend to create self-assessment, which will be continuously monitored and administered by the Office of Quality Improvement (OQI) staff. Staff members began to re-write appropriate questions and standards to match tool. This should be completed fairly soon. DDDS will continue to build once the provider agencies services assessments are completed.

One Residential Services Work Group member began creating self-assessment tool by drilling down questions developed by the residential assessment work group. At the Governor’s Advisory Council member’s suggestion, the work group member highlighted appropriate questions in order to have data prepared if needed. In order for a self-assessment to be successful, someone who has a close relationship with person who can interpret in the best possible way is necessary.

DDDS is extremely pleased that everyone felt engaged, and whether agreed with outcome or not, comments received included that the process allowed all to be heard. Both work groups chairs and co-chairs did outstanding work to include members of both work groups as well. Formal recognition will be following in the future.

DDDS is pleased and confident with the process developed to include a diverse stakeholder group to engage in the development of assessment tools.

DDDS and other states recently engaged in a conference call with CMS. During the call, timeframes were discussed. DDDS is under the impression that assessments of services in settings must be completed six months after the submission of the Statewide Transition Plan to CMS, while other states believed that CMS meant that assessments of policies and procedures must be completed within six months of plan submission. Clarification from CMS is anticipated. Delaware submitted the Statewide Transition Plan to CMS on March 17, 2015, therefore following CMS's six-month timeframe the submission date is September 17, 2015. DDDS is currently assessing policies and procedures, which should be completed within the six-month period. If CMS rules that assessments of services settings must be completed within the six-month period, DDDS will need to move quickly to perform tasks for assessments to meet CMS specifications.

DDDS is working to develop a consistent tool for assessments that will allow data to be easily drawn. The next piece DDDS will focus on is developing training to present to provider agencies surrounding how to complete service assessments. DDDS may approach GAC for advisement.

### **Announcements and Informational Items**

“Save the Date Flyers” were distributed for the July 18, 2015 Americans with Disabilities Act 25<sup>th</sup> Anniversary celebration. This event takes place in Dover at Legislative Mall and Lookerman Street. The Business Leadership Network is sponsoring the “Disabilities Rights Museum on Wheels” to come to Delaware for the event. The museum is fully accessible and gives a detailed look of history surrounding the ADA enactment. The event will include a major celebration on The Green to include live music, a parade, and much more family fun!

DDDS contracted with Best Buddies to focus on expanding to the southern areas of Delaware to provide human connections/relationships with the people DDDS supports. Best Buddies recruits volunteers to be match as a “buddy” to people with IDD. Best Buddies has unlimited potential due to establishing roots in the community that provides natural connections with people within the community. These relationships grow naturally that lead to further connections with others that may present employment opportunities, information regarding available programs, community events, etc. DDDS website provides a link to the Best Buddies program via the Best Buddies logo.

Recently during the NASDDDS conference, two men (one from England the other from The Coleman Institute) gave a presentation surrounding their creation of “Wikis” which was described as being comparable to a Facebook page for individuals used as a person centered planning process. Wikis is based on principals that CMS is asking which came from the IDD world ... “what’s important too and what’s important for the person”. These “wikis” were delightful to include a picture of the person, things that are important to them (families, friends, contacts), and their likes and dislikes so the focus is on person centered as the “wikis” is all about the person. Supports were included after starting with “what’s important to me”.

### **Adjournment**

The meeting adjourned at 1:35 p.m.